



**ARIZONA STATE SENATE**  
*Fifty-Fifth Legislature, First Regular Session*

**AMENDED**  
FACT SHEET FOR S.B. 1362

abortion; refusal to assist

Purpose

Allows specified health care entities, professionals, employees, schools and students to assert moral, ethical and religious objections to abortion and related medications and devices.

Background

Current statute stipulates that a health care provider is not subject to criminal or civil liability or professional discipline for failing to comply with an order that violates the provider's conscience if the provider promptly makes known the provider's unwillingness and transfers the responsibility for the patient's care to another provider who is willing to act in accordance with the agent's direction ([A.R.S. § 36-3205](#)). A health care provider's license is also protected under statute for declining to provide or participate in providing any service that violates the person's sincerely held religious beliefs ([A.R.S. § 41-1493.04](#)).

The Affordable Care Act (Act) currently states that the federal government, and any state or local government or health care provider that receives federal financial assistance under the Act or any health plan created under the Act, cannot subject an individual or institutional health care entity to discrimination on the basis that the entity does not provide any health care item or service used for the purpose of causing, or for the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia or mercy killing ([42 U.S.C. § 18113](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits a person from discriminating against a health care entity because the entity doesn't provide, assist or facilitate in providing any health care item or service for the purpose of causing the death of an individual by means of abortion or emergency contraception.
2. Allows the following to state an ethical objection to facilitating or participating in an abortion:
  - a) a physician;
  - b) any person who is a member of or associated with the staff of a hospital; or
  - c) any employee or student of a hospital, doctor, clinic or other medical or surgical facility.
3. Allows the following to state an ethical objection to abortion, abortion medication or any medication or device intended to inhibit or prevent implantation:
  - a) a pharmacy or employee of a pharmacy;
  - b) a hospital or an employee of a hospital;
  - c) a health professional or an employee of a health professional; or
  - d) a school or student.

4. Permits schools to state a moral, ethical or religious objection to providing abortion medication or device intended to inhibit or prevent implantation of a fertilized ovum.
5. Permits a student to state a moral, ethical or religious objection to facilitating or participating in an abortion or providing abortion medication or device intended to inhibit or prevent implantation of a fertilized ovum.
6. Modifies the definition of *health care entity* to include students of a specified entity or health professional.
7. Makes a technical change and makes conforming changes.
8. Becomes effective on the general effective date.

Amendments Adopted by Committee

- Removes proposed language allowing specified health care professionals, employees and students to verbally assert an objection related to abortion.

Senate Action

HHS            2/18/21    DPA    5-2-1

Prepared by Senate Research

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CRS/kja